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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,579	06/25/2003	Franck Badets	STM107-02021	4869

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EXAMINER

LAM, TUAN THIEU

ART UNIT	PAPER NUMBER
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2816

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/603,579

Applicant(s)

BADETS ET AL.

Examiner

Tuan T. Lam

Art Unit

2816

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/29/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This is a response to the amendment filed 9/23/2004. Claims 1-3 have been elected for examination.

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Debaty (USP 5,939,917). Figure 5 of Debaty shows a phase shifter circuit comprising an input for receiving an input signal ( $V\phi$ ) having a specified oscillation frequency, an output delivering an output signal ( $i0$ ,  $-i0$ ) having said specified oscillation frequency and having a variable phase shift with respect to said input signal, at least one control input receiving a control signal ( $V+$ ,  $V-$ ) which controls the phase shift of said output signal with respect to said input signal, a synchronized oscillator(Q1, Q2, Q3, Q4, C2, R2) having at least a synchronization input coupled said input of said variable phase shifting circuit, at least one output coupled to said output of said output of the variable phase shifting circuit, said synchronized oscillator having a variable free running oscillation frequency controlled by said control signal as called for in claim 1.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hilbert (USP 5,983,082). Figure 8 of Hilbert shows a phase shifter circuit comprising an input for receiving an input signal (819, 825) having a specified oscillation frequency, an output delivering an output signal (830, 834) having said specified oscillation frequency and having a variable phase

Art Unit: 2816

shift with respect to said input signal, at least one control input receiving a control signal (Icntl) which controls the phase shift of said output signal with respect to said input signal, a synchronized oscillator(Q1, Q2, Q3, Q4, C, Rs) having at least a synchronization input coupled said input of said variable phase shifting circuit, at least one output coupled to said output of said output of the variable phase shifting circuit, said synchronized oscillator having a variable free running oscillation frequency controlled by said control signal as called for in claim 1.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Arimura et al. (USP 6,452,434). Figure 5 of Arimura et al. shows a phase shifter circuit comprising an input for receiving an input signal (Sin) having a specified oscillation frequency, an output delivering an output signal (S1, S2) having said specified oscillation frequency and having a variable phase shift with respect to said input signal, at least one control input receiving a control signal (Icntl) which controls the phase shift of said output signal with respect to said input signal, a synchronized oscillator(Q1, Q2, Q5, Q6, R3, R4) having at least a synchronization input coupled said input of said variable phase shifting circuit, at least one output coupled to said output of said output of the variable phase shifting circuit, said synchronized oscillator having a variable free running oscillation frequency controlled by said control signal as called for in claim 1.

Art Unit: 2816

*Allowable Subject Matter*

5. Claims 2-3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In this regard, applicant's cited prior art has been carefully considered.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan T. Lam whose telephone number is 571-272-1744. The examiner can normally be reached on Monday to Friday (7:30 am to 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TIMOTHY P CALLAHAN can be reached on 571-272-1740. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tuan T. Lam  
Primary Examiner  
Art Unit 2816

10/14/2004